

## Rep. Lofgren Speaks in Support of HR 6633

Washington, D.C. – Rep. Zoe Lofgren (D-CA) today made the following statement on the floor of the House of Representatives in support of H.R. 6633, the Employee Verification Amendment Act of 2008.

I rise today in support for HR 6633. This bill, negotiated by Members of both parties, would extend the Basic Pilot (or “E-Verify”) Program for five years, while also ensuring that the Social Security Administration (SSA) can continue to participate in the program without endangering its core mission of providing needed benefits to our seniors and the disabled.

Without this bill, the authorization for the Basic Pilot Program will expire in November.

HR 6633 also commissions two studies, which should help Congress evaluate the Basic Pilot Program as it continues to work through the issues raised by electronic employment eligibility verification systems.

One of the studies seeks the causes, the remedies, and the effects of tentative non-confirmations of employment eligibility.

Implicit in the concept of false negatives is the converse – false positives – and we naturally contemplate that GAO study will address the question of erroneous confirmations as well.

To understand the effectiveness of the Basic Pilot, we must not only know about U.S. workers falsely denied the authority to work, we must also know when it clears people who are not authorized to work.

This Congress has been very active on the issue of electronic employment verification. Several committees, including the Judiciary and Ways and Means Committees, have held no less than five hearings on the subject. The Judiciary Committee alone held three hearings over the past year on electronic employment verification.

In those hearings, we’ve learned that, because the Department of Homeland Security relies on the Social Security Administration’s databases and staff to query work authorization and fix erroneous records, the Basic Pilot Program places significant burdens on the SSA. We don’t want to jeopardize the SSA’s ability to carry out its core mission, which is to provide benefits to America’s senior citizens and to disabled Americans.

We’ve confirmed that electronic employment verification systems pose complicated issues, issues with serious consequences for American workers, who could lose their jobs, and even their right to work, if employment verification isn’t done right.

We heard testimony in April 2007 from the Service Employees International Union, in which we learned that, “[u]nless database errors are cured, 24,000 of the 300,000 estimated workers in each congressional district” would be erroneously denied eligibility to work by Basic Pilot.

That’s 24,000 legal workers in each of our districts who could be stripped of their right to work because the government can’t design a proper verification system.

An independent evaluation of the Basic Pilot program commissioned by the Department of Homeland Security (DHS) and conducted by Westat identifies numerous troubling issues with how the Basic Pilot Program works. The Westat report documented abuse and misuse of Basic Pilot by employers.

For example, twenty two percent of employers who responded to Westat’s survey reported that they restricted work assignments to employees contesting tentative nonconfirmations. It also noted significant privacy concerns in the program.

In short, we’ve learned that there is much work still to be done, and there are many questions left to be answered.

Based on these findings, I do not believe that we can permanently reauthorize the Basic Pilot Program or make it mandatory at this time. But as we continue to work to comprehensively reform our immigration system, we should allow Basic Pilot to continue as a voluntary program.

I would like to especially thank my colleagues, Mike McNulty from New York, Lamar Smith from Texas, and Sam Johnson from Texas, for their tremendous efforts in working to negotiate this consensus bill and bring it to the floor today.

I look forward to working with my colleagues to reform our nation's immigration laws, and to improve the electronic employment verification process.

I urge my colleagues to support H.R. 6633. I reserve the balance of my time.

Congresswoman Zoe Lofgren is serving her seventh term in Congress representing most of the City of San Jose and Santa Clara County. She serves as Chair of the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. She also Chairs the House Administration Subcommittee on Elections and serves on the House Homeland Security Committee. Congresswoman Lofgren is Chair of the California Democratic Congressional Delegation consisting of 34 Democratic members of the U.S. House of Representatives from California.